

Tentative Rulings for June 28, 2013 Department 2G

**To request oral argument, you must notify Barbara Berg at
(760) 904-5722 and inform all other counsel no later than 4:00 p.m.**

1.

INC 055947	Coachella Valley Collection Service v. Jones	Hearing Re: Order to Show Cause Why Third Party Order is Appropriate
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Tentative Ruling: Appearance by applicant requested.

2.

INC 083844	Spectrum Ventures, LLC v. Zaragoza	Judgment Debtor Examination on Johnson Go, President of Regency Health & Financial (Third Party) by Coachella Valley Collection Service
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Tentative Ruling: No proof of service.

3.

INC 088249	Myron v. Payton	Motion to Compel Discovery by Plaintiff James Myron
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Tentative Ruling: No tentative ruling, appearances required.

4.

INC 088249	Myron v. Payton	Motion to Compel Plaintiff, James Myron, to Provide Further Answers, Without Objection, to Special Interrogatories by Defendants
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Tentative Ruling: No tentative ruling, appearances required.

5.

INC 1205168	Fraser v. Spare Backup, Inc.	Motion to (1) Compel Further Response from Defendant, Spare Backup, Inc., to Demand for Inspection (Set One); and (2) Compel Production of Documents; Request for Monetary Sanctions and Other Sanctions for Violation of Court Order by Plaintiff Jeremiah Fraser
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Tentative Ruling: Deny; order seeks to compel compliance with earlier order. Court has already ordered that supplemental responses and production of documents occur.

6.

INC	Fraser v. Spare Backup, Inc.	Motion to Enforce Discovery Order and
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1205168		Compel Further Responses to Plaintiff's First Set of Special Interrogatories and for Award of Monetary Sanctions of \$2,262.50 by Plaintiff Jeremiah Fraser
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Tentative Ruling: See tentative ruling on related motion.

7.

INC 1300485	Perez v. Starwood Hotels & Resorts Worldwide, Inc.	Demurrer to Complaint by Defendants Edwina Morales, Marianela Atencio
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Tentative Ruling: Sustain as to causes of action one through four without leave to amend because the individual defendants were not plaintiff's employer nor a party to any contract with plaintiff and thus are not liable under these causes of action.

Sustain demurrer to fifth cause of action with 20 days' leave to amend because the complaint only alleges a simple personnel action. *Janken v. GM Hughes Electronics* (1996) 46 Cal.App.4th 55, 80:

The intentional infliction of emotional distress claim fails for similar reasons.... Managing personnel is not outrageous conduct beyond the bounds of human decency, but rather conduct essential to the welfare and prosperity of society. A simple pleading of personnel management activity is insufficient to support a claim of intentional infliction of emotional distress, even if improper motivation is alleged. If personnel management decisions are improperly motivated, the remedy is a suit against the employer for discrimination."